, to be cumulative of present methods, and creating an emergency."

The bill was read.

Senator Purl raised the point of order that the bill was not included within the Governor's call.

Senator Purl withdrew the point of order, reserving the right to renew it later.

Senator Woodward withdrew the bill.

Adjournment.

On motion of Senator Neal, the Senate, at 3:45 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room, Austin, Texas, Sept. 14, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined, compared and approved and find same correctly engrossed

REGAN, Chairman.

Committee Room, Austin, Texas, Sept. 14, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 1 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 14, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 1,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room.

Austin, Texas, Sept. 14, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 2.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

SECOND DAY.

Senate Chamber, Austin, Texas, September 15, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck. Oneal. Blackert. Pace. Collie. Parr. Cousins. Patton. DeBerry. Poage. Purl. Duggan. Fellbaum. Rawlings. Greer. Redditt. Holbrook. Russek. Hopkins. Sanderford. Hornsby. Small. Martin. Stone. Murphy. Woodul. Neal. Woodward.

Absent-Excused.

Moore. Regan. Woodruff.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Senators Excused.

The following Senators were excused for the day and the balance of

the week on account of important husiness:

Senator Moore, on motion of Senator Purl.

Senator Regan, on motion of Senator Rawlings.

Senator Woodruff, on motion of Senator Poage.

Senate Simple Resolution No. 5.

Senator Parr sent up the following resolution:

Whereas, On the 4th and 5th days of the present month, a terrific hurricane of great intensity swept over what is commonly designated as the Rio Grande Valley of Texas, and wrought its greatest destruction in the Counties of Cameron, Hidalgo and Willacy; and

Whereas, Since that time heroic efforts have been made by various agencies of the State and Federal Government and also the National Red Cross to alleviate the conditions brought about by the hurricane; and

Whereas, It is impossible at this time to determine from reports at hand just what losses have been sustained, but information has come to the Legislature that it will not only require the best efforts of the agencies aforementioned to bring order out of chaos that has ensued by reason of the storm, and to relieve adequately the citizens of that region, it will in all probability be necessary for the State Government to render what assistance it can under the Constitution to the people of this district who have suffered so severely from the effects of this storm; and

Whereas, In order to get a true statement of just what losses have been sustained and just what is necessary to do for these people in this great emergency, it is the opinion of the Senate of Texas, that a committee be appointed and that they be requested to visit the section swept by the storm at its earliest possible convenience, for the purpose of gathering all the facts concerning these losses and needs, and reporting back to the Legislature and the Governor what is necessary, if anything, for the Legislature to do in the matter of giving or granting relief to these people. Now, therefore, be it

Resolved. That a committee of six members of the Senate, including the

and that they be requested to go immediately into the section of the State swept by this storm for the purpose of gathering these facts and making a report accordingly, and that the expense of said committee be paid out of the contingent fund of the Senate.

> PARR. PACE. BECK. WOODRUFF, HOLBROOK.

Read and adopted.

Senator Poage asked to be recorded as voting "No."

The Chair appointed the following as members of the committee:

Senators Parr, Woodward, Pace. Holbrook, Beck.

S. C. R. No. 4.

Senator Holbrook sent up the following resolution:

Whereas, On or about May 9, 1929, the State Highway Commission of Texas made and entered into a contract with H. J. Hetkes Company, for the grading, erection of drainage structures and concrete pavement of a road in Galveston County, Texas, being Job No. 85-J, as per plans designated by State Aid Project No. 853; and,

Whereas, By virtue of said contract, plans and specifications and the requirements of said Highway Commission of Texas and the State of Texas and its agents and employees, controversy has arisen concerning the balance due said H. J. Hetkes Company under said contract, plans, and specifications and requirements, and the said H. J. Hetkes Company desires that said controversy be submitted to a court for judicial ascertainment of the balance due said firm, if any, and to have the amount fixed, if any; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the said H. J. Hetkes Company, or its assigns, be and it is hereby authorized to sue the State Highway Department of Texas and the State of Texas for such amount as said firm of H. J. Hetkes may be entitled to recover under and by virtue of said contract, plans and specifications and requirements of said Highway Commission of the State of Lientenant Governor be appointed Texas and its agents and employees. That any party to said suit shall have the right of appeal, and any judgment finally established against the State and the State Highway Commission of Texas shall be a liquidated debt which shall be paid by the Highway Commission of the State of Texas out of the Highway Building Funds of the State of Texas. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

HOLBROOK.

The resolution was read.

Senator Purl raised the point of order that such a resolution had the same effect as a bill and as such did not come within the Governor's call because it is in fact "legislation."

The Chair, Lieutenant Governor Edgar E. Witt, submitted the point of order to the Senate.

The Senate voted to sustain the point of order by the following vote:

Yeas—17.

Cousins. Poage. DeBerry. Purl. Duggan. Rawlings. Fellbaum. Redditt. Hornsby. Small. Martin. Stone. Murphy. Woodul. Oneal. Woodward. Pace.

Nays—4.

Blackert. Collie Holbrook.

Absent.

Beck. Greer. Hopkins. Neal. Parr. Russek. Sanderford.

Absent-Excused.

Moore. Regan. Woodruff.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 15, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution and bills:

H. C. R. No. 1, In memory of the late D. Frank Bobbitt.

S. B. No. 1, A bill to be entitled "An Act appropriating the sum of One Hundred Thousand (\$100,000) Dollars, or so much thereof as may be necessary, payable out of the General Revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the First Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency."

S. B. No. 2, A bill to be entitled "An Act appropriating the sum of Fifty Thousand (\$50,000) Dollars, or so much thereof as may be necessary out of the General Revenue of the State of Texas, to pay the contingent expenses of the First Called Session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

S. C. R. No. 5.

Senator Fellbaum sent up the following resolution:

Whereas, The people of the State of Texas by an overwhelming majority have testified to their willingness to sacrifice themselves for the aid of the needy and distressed; and

Whereas, The purpose to effectuate this mandate of the people is one of the primary reasons for the convening of this special session of the Forty-third Legislature; and

Whereas, There are rumors and inuendos that under the present plan the administrative costs and salaries have been greatly disproportionate to the amounts allocated to relieve the suffering within the borders of the State; and

Whereas, It is the sense of this Legislature that the primary purpose of the proposed \$20,000,000.00 State Bond Issue be for the actual relief of distress of the people of this State rather than the creation of a gigantic political and job-distributing agency; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, that, as a preliminary to the enactment of legislation under the recent authorization of the people—it be declared the purpose of this Legislature to give due cognizance to cost.

of administration in its application to relief work to the end that honesty, efficiency, and economy shall control the distribution of funds; therefore be it further

Resolved, That it is the sense of this Legislature that every safe-guard should be thrown around the distribution of funds so that the cost thereof may be kept at the absolute minimum and the funds so provided by this Legislature's enabling action be devoted to aiding the needy of the State rather than to providing political remuneration; and be it further

Resolved by the Legislature that it is the sense of this body that a commission of three members of the Senate and three members of the House be created with permanent jurisdiction over the funds so provided by such bonds to the end that abuses in extravagant administrative costs shall not defeat the very purpose of the people's bounty and that the money, thus to be derived, be expended in its entirety for the humanitarian cause for which it has been provided by the most generous and solemn verdict of a sovereign people.

FELLBAUM.

The resolution was read.

Senator Woodul moved that this resolution and all other resolutions and bills dealing with the \$20,000,000 relief bond issue be referred or re-referred to the Committee of the Whole. The motion prevailed.

Senate Simple Resolution No. 6.

Senator Woodward sent up the following resolution:

Resolved that the Secretary of State be requested to furnish each Senator the permanent buckram bound copy of the Laws of the Fortythird Regular, pending return of paper bound copies, taking therefor whatever receipt be necessary.

WOODWARD.

Read and adopted.

Request to Introduce Bill.

Senator Holbrook asked unanimous consent to introduce a bill making an appropriation to pay interest and principal on certain bonds owned by various State institutions and now held by the State Treasury.

Senator Purl raised the point of order that the bill did not come within the Governor's call.

The Chair, Senator Hornsby, sustained the point of order.

Senator Woodul raised the point of order that the Senate could not grant, by vote or by unanimous consent, the right to introduce a bill not included within the Governor's call.

The Chair, Senator Hornsby, sustained the point of order.

Senate Simple Resolution No. 7.

Senator Blackert sent up the following resolution:

Whereas, A committee of six members of the Senate has been appointed to visit the section of the Rio Grande Valley swept by the terrific hurricance on the 4th and 5th days of September, 1933; and

Whereas, The sea wall at Aransas Pass was torn away during this storm and the town of Aransas Pass would be swept away in the event of another storm; and

Whereas, The committee, in order to reach the section of the State so seriously damaged, will pass through the vicinity of Aransas Pass; therefore, be it here

Resolved, That this committee be instructed to investigate the condition of the damaged seawall, reporting back to the Legislature and the Governor what is necessary, if anything, for the Legislature to do in the matter of repairing said seawall and insuring the safety of the citizens and town of Aransas Pass.

BLACKERT.

Read and adopted.

Senator Poage asked to be recorded as voting "No."

S. C. R. No. 6.

Senator Greer sent up the following resolution:

Whereas, The National Administration is now engaged in the great war against depression, and

Whereas, The National Administration is seeking to give employment where it will be most helpful, and

Whereas, The employees of the railroads of our country have been the backbone of the forces for better labor conditions; and

Whereas, Due to shifting transpor-

tation facilities thousands of these men have been thrown out of work who have spent a lifetime in training for this service; now, therefore, be it

Resolved by the Senate of Texas, the House concurring, that Honorable Harold L. Ickes, administrator, and Honorable James A. Moffett, Honorable Donald R. Richberg, and Honorable M. L. Benedum, Directors for the Administration on the Planning and Co-ordination Committee for the Petroleum Industry, be requested to consider the possibilities for the diversion of proportionate part of the allowable oil produced in the State of Texas from the pipe lines as common carriers to the railroads as common carriers, so that these thousands of railroad men out of work may secure employment in the transportation of the railroad's proportionate part of the oil hauled out of Texas. Be it further

Resolved, That a copy of this resolution signed by the Secretary of the Senate be sent to the President of the United States, Honorable Franklin D. Roosevelt, and to the Administrator and Directors aforesaid mentioned for the Co-ordination Committee.

GREER.

Read and referred to Committee on Federal Relations.

Committee of the Whole.

Senator Woodul moved that the Senate resolve itself into a Committee of the Whole Monday immediately following the morning call.

Senator Woodward moved amend the motion to read "Tuesday" instead of "Monday."

Senator Purl moved as a substitute that the Senate resolve itself into a Committee of the Whole tomorrow morning.

The substitute motion was lost by the following vote:

Yeas-7.

Collie. DeBerry. Duggan. Fellbaum. Holbrook. Hornsby. Murphy. Purl.

Nays—16.

Beck. Blackert. Cousins.

Greer. Hopkins. Martin.

Oneal. Redditt. Sanderford. Pace. Parr. Woodul. Woodward. Patton. Poage.

Absent.

Neal. Rawlings. Russek.

Small. Stone.

Absent—Excused.

Moore. Regan. Woodruff.

(by Senator The amendment Woodward) was adopted by the following vote:

Yeas—15.

Blackert. Pace. Collie. Parr. Fellbaum. Poage. Puri. Greer. Sanderford. Holbrook.

Hopkins. Small Martin. Woodward. Oneal.

Nays-9.

Beck. Murphy. Cousins. Patton. DeBerry. Redditt. Duggan. Woodul.

Hornsby.

Absent.

Neal. Rawlings. Russek. Stone.

Absent-Excused.

Moore. Regan. Woodruff.

The motion as amended prevailed. The Chair appointed President Pro Tem. George C. Purl chairman of the Committee of the Whole.

Message From the Governor.

Executive Office,

Austin, Texas, Sept. 15, 1933. To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate in the following appointments:

To Be a Member of the State Highway Commission.

Honorable John Wood, of Timpson, Shelby County, Texas, for the Ifull statutory term ending February 10, 1939, and I have designated him | To Be Members of the Texas Rehaas Chairman of said Commission.

To Be a Member of the Board of Pardons and Paroles.

Honorable T. C. Andrews, of Mc-Kinney, Collin County, Texas, for the statutory term ending the second Tuesday in January, 1939, and I have designated him as Chairman of said Board.

To Be State Reclamation Engineer.

Honorable A. M. Vance, of Beaumont, Jefferson County, Texas, for the statutory term ending July 1, 1935.

To Be Commissioner of Banking of Tevas

Honorable E. C. Brand of Sweetwater, Nolan County, Texas, for the current statutory term ending September, 1935.

To Be Chairman of the Texas Racing Commission.

Honorable Frank Scofield, of Hillsboro, Hill County, Texas.

To Be a Member of the Texas Prison Board.

Honorable Earl Arnold, of Greenville, Hunt County, Texas, to fill the unexpired term of Honorable Fred Horton, resigned.

To Be Members of the State Board of Optometry.

Dr. Mollie W. Armstrong, of Brownwood, Brown County, Texas; Dr. W. Duke Pittman, of Mexia, Limestone County, Texas, for the current statutory six year terms.

To Be Members of the Gonzales Park Commission.

Mrs. R. S. Dilworth;

Mrs. W. P. Midkiff;

Mrs. John Embler, all of Gonzales, Gonzales County, Texas.

To Be a Member of the Industrial Accident Board.

Honorable A. M. Graves, of Clarksville, Red River County, Texas, for the current statutory term of six years ending September 1, 1939.

bilitation and Relief Commission.

Honorable W. E. Pope, of Corpus Christi, Nueces County, Texas;

Honorable T. A. Low, of Brenham, Washington County, Texas;

Honorable Harry Tom King, of Abilene, Taylor County, Texas.

To Be a Member of the Commission of Appeals of the Court of Criminal Appeals:

Honorable C. G. Krueger, of Austin County, Texas, for the next ensuing full statutory term of six years ending in 1939.

To Be Director of the Texas Rehabilitation and Relief Commission.

Honorable Lawrence Westbrook. of Waco, McLennan County, Texas.

To Be State Auditor and Efficiency Expert.

Honorable George B. Simpson, of Corpus Christi, Nueces County, Texas, for the statutory term ending September 12, 1935.

To Be Judge of the 52nd Judicial District of Texas.

Honorable R. B. Cross. of Gatesville, Coryell County, Texas, to fill the unexpired term of Honorable Joe Eidson, deceased.

To Be Judge of the 8th Judicial District of Texas.

Honorable Charles D. Berry, of Cooper, Delta County, Texas, to fill the unexpired term of Honorable L. L. Bowman, deceased.

To Be Judge of the Special 9th Judicial District of Texas.

Honorable William B. Browder, of Conroe, Montgomery County, Texas.

To Be District Attorney of the 70th Judicial District of Texas.

Honorable R. W. Hamilton, of Stanton, Martin County, Texas, to fill the unexpired term of Honorable W. R. Smith, Jr., resigned.

To Be a Member of the State Board of Control.

Honorable Henry C. Meyer, of Rockdale, Milam County, Texas, to fill the unexpired term of Honorable Adrian Poole, resigned, and for the next ensuing statutory term of six Room: Ben Harrison, E. P. Stockyears beginning January 1, 1934.

To Be Members of the Game, Fish, and Oyster Commission.

Mrs. Hal C. Peck, of Amarillo, Potter County, Texas;

Honorable Camile Pillot, of Houston, Harris County, Texas, for the Johnnie Faubion, David White. current statutory six year terms beginning September 1, 1933.

To be a Member of the State Board of Education.

Honorable Chent Sanderford, of Eastland County, Texas, to fill the unexpired term of Honorable W. A. Morrison, deceased.

To Be Commissioner of Deeds for the State of Texas in the State of Maryland.

Honorable Charles Henry Hesse, of 1908 East Lafayette Street, Baltimore, Maryland.

To Be Commissioner of Deeds for the State of Texas in the State of New York.

Honorable John J. Dwyer, 40 Wall Street, New York City.

To Be Members of the Texas Civil Judicial Council.

Honorable M. N. Chrestman, of Dallas, Dallas County, Texas. Honorable Robert W. Stayton, of Austin, Travis County, Texas.

> Respectfully submitted, MIRIAM A. FERGUSON, Governor of Texas.

Read and referred to Committee on Governor's Nominations.

Appointments Announced.

The Chair announced the following appointments:

General pages: Ted Theilen, -James Wade, Charles Edwards, Frank Butler, Donald Lively, Raymond Whitley, Joe Robertson, -Cavenough, Frank Conley, Merton Walker.

Messengers for the Governor's Office: Gene Howell, J. L. Walker. Messengers for the Lieutenant

Governor's Office: Charles O. Patterson, Bobbie Bright.

Messenger for Sergeant-at-Arms well. Joe Garland.

Assistants Sergeant-at-Arms Room: Theo. Keelen, Lory White, J. M. Gault.

Messengers for Telephone Booths: Oscar Keithly, Milton Bailey, C. O. Brown, Jr.

Messengers for Mailing Room:

Messenger in Gallery: L. B. Bran-

Messengers for Enrolling and Engrossing Room: Martin Griffin, David Quinlan.

Elevator Operators: Lee Mc-Dougal, George Goodenough, Bill Frederick.

Porters: Dudley Amison, Tom Burton, Ben Smith, Bozia Harris, Watson Smith, Sam Baker, Sam Grant, J. B. Brown, Arthur Johnson, James Giron, Arthur Evans.

H. C. R. No. 1.

The Chair laid before the Senate: H. C. R. No. 1, In memory of Judge D. Frank Bobbitt.

Read and adopted unanimously by a rising vote.

Adjournment.

On motion of Senator Woodward, the Senate, at 12:01 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room, Austin, Texas, Sept. 15, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 2 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 14, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. C. R. No. 2 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

Committee Room, Austin, Texas, Sept. 14, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 3 carefully examined, compared and approved and find same correctly engrossed.

REGAN, Chairman.

THIRD DAY.

Senate Chamber. Austin, Texas. September 16, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck. Murphy. Blackert. Neal. Collie. Oneal. DeBerry. Parr. Poage. Duggan. Fellbaum. Purl. Greer. Rawlings. Holbrook. Russek. Hopkins. Small. Hornsby. Stone. Martin. Woodward,

Absent-Excused.

Cousins Regan Moore. Sanderford. Pace. Woodruff. Patton. Woodul.

Redditt.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senators Woodul, Patton, and Cousins on motion of Senator Hopkins.

Senators Woodruff and Sanderford, on motion of Senator Poage.

Senators Redditt and Pace, on motion of Senator Collie.

Senate Simple Resolution No. 8.

Senator Purl sent up the following resolution:

Whereas, During the interim between the Regular Session of the Forty-third Legislature and this First Called Session there was ordered and sent to the funeral of the Hon. Barry Miller a floral offering for the Members of the Senate of Texas: and

Whereas, Since this occurred when the Legislature was not in session there was no way in which a voucher of the Senate could be drawn for the purpose of paying for this floral offering; and

Whereas, The Secretary of the Senate, Bob Barker, paid the amount of the bill for the floral offering (\$25.00) with his own personal check and he should at this time be reimbursed by the Senate; therefore be it

Resolved by the Senate of Texas that the above amount, as shown by the attached affidavit, be paid out of the Senate Contingent Expense Fund, and that such voucher be made payable to Bob Barker.

PURL.

Read and adopted.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 16, 1933. Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt as amended by a vote of 60 yeas and 63 navs

S. C. R. No. 1, Providing for a joint committee of the House and Senate to be sent on an inspection trip to the recently devastated hurricane section of the Rio Grande Vallev.

The House has tabled the following resolution:

S. C. R. No. 2, Making an appeal to the President of these United States to speed up the work of the National Recovery Act.

The House has adopted the following resolutions:

S. C. R. No. 3, Extending an invitation to Col. T. L. Kirkpatrick, President of the United States Good Roads Association, and others interested in good roads in America to attend the Twenty-first Annual Convention of the United States Good Roads Association to be held in Beaumont, Texas, on October 11, 12, and 13, 1933.